

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION No.: 03 cv 12573 EFH

BERNADINE T. GRIFFITH
Plaintiff

vs.

ONEBEACON INSURANCE COMPANY,
ONEBEACON AMERICA INSURANCE
COMPANY, MICHAEL A. SISTO, and
KAREN ALLEN HOLMES
Defendants

ATTORNEY'S AFFIDAVIT

I, Kathleen J. Hill, Esq., being first duly sworn under oath, depose and state:

1. I am an attorney duly admitted to practice before this Court and have filed an Appearance on behalf of the Plaintiff, Bernadine T. Griffith, in the above-captioned matter.
2. I received written and electronic notice of an electronic filing on August 1, 2005 that the Defendants had filed a Motion for Summary Judgment under seal.
3. I did not receive a written copy of Defendants' Motion for Summary Judgment and notified the Defendants of the same in writing on August 2, 2005. *See attached August 2, 2005 Hill letter to Moore and August 3, 2005 Moore letter to Hill.*
4. To date, I have not received a written copy of Defendants' Motion for Summary Judgment, as requested.

Signed Under the Pains and Penalty of Perjury on this 11th day of August 2005.


Kathleen J. Hill

BBO# 644665

LAW OFFICE OF KATHLEEN J. HILL

ATTORNEY & COUNSELOR AT LAW

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KATHLEEN J. HILL

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By Facsimile and U.S. Mail

August 2, 2005

Leah M. Moore, Esq.
Morgan, Brown & Joy, L.L.P.
200 State Street, 11th Floor
Boston, MA 02109-2605

Re: Griffith v. OneBeacon Insurance Company, et. al.
Docket No. 03-CV-12573 EFH

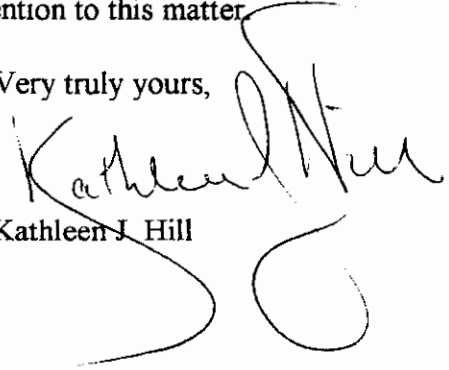
Dear Attorney Moore:

On Monday, I received your July 29, 2005 letter to the court indicating that you had filed a Motion for Summary Judgment under seal, but you did not serve me with a copy of the filing. Did you re-file the July 21, 2005 Motion for Summary Judgment or have you filed a conforming Motion for Summary Judgment? The court allowed the Plaintiff's Emergency Motion to Seal Defendants' Motion for Summary Judgment, which specifically granted the following:

"(1) to remove Defendants' Motion for Summary Judgment from PACER, as electronically filed and docketed as docket numbers 61 – 70, (2) require the Defendants to file only one copy of a Motion for Summary Judgment that does not exceed forty (40) pages and require Defendants to serve a written copy of the Defendants' Motion for Summary Judgment with seven (7) days of the Court's order; and, (3) allow Plaintiff fourteen (14) days to file an opposition to Defendants' Motion for Summary Judgment from receipt of a written copy of Defendants' Motion for Summary Judgment."

Please clarify which motion you filed on July 29, 2005, and serve me with a copy of the same. Thank you for your prompt and courteous attention to this matter.

Very truly yours,


Kathleen J. Hill

cc: Ms. Bernadine T. Griffith

MORGAN, BROWN & JOY, LLP

ATTORNEYS AT LAW

200 STATE STREET

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TELEPHONE (617) 523-6666

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LEAH M. MOORE

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July 29, 2005

By Hand

Ms. Sandra Holahan
Clerk to Judge Edward F. Harrington
United States District Court
for the District of Massachusetts
One Courthouse Way
Boston, MA 02110

Re: Bernadine Griffith v. OneBeacon Insurance Co., et al
Civil Action No. 03-CV-12573-EFH

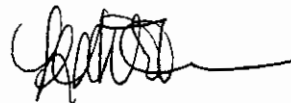
Dear Sandy:

Enclosed please find a copy of the following documents to be filed under seal:

1. Defendants' Motion for Summary Judgment;
2. Memorandum of Law in Support of Defendants' Motion for Summary Judgment;
3. Defendants' Statement of Undisputed Material Facts; and
4. Declaration of Leah M. Moore in Support of Defendants' Motion for Summary Judgment with attached Exhibits A-VV.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your continued assistance.

Very truly yours,



Leah M. Moore

Enclosures

cc: Kathleen J. Hill, Esq. (via first class mail w/o encls.)
Joan Geddes, Esq. (via first class mail w/o encls.)
Keith B. Muntyan, Esq.

TRANSMISSIONS ACTIVITY REPORT

AUG-02-2005 06:56 PM

FOR: KATHLEEN J. HILL, ESQ. 617 742 0457

*NO.	DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE
* 1	AUG-02	01:58 PM	6174795147	1'04"	2	SEND	OK
* 2	AUG-02	06:33 PM	6173673125-- <i>Leah Moore</i>	1'06"	2	SEND	OK
* 3	AUG-02	06:54 PM	19788874095	1'31"	3	SEND	OK

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GRAND TOTAL TIME: 84H 35M 19S

PAGES: 9875

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August 3, 2005

Via Facsimile and First Class Mail

Kathleen J. Hill, Esq.
Law Office of Kathleen J. Hill
92 State Street, Suite 700
Boston, MA 02109

Re: Griffith v. OneBeacon Insurance Company, et. al.

Dear Kathleen:

I write in response to your letter dated August 2, 2005 regarding receipt of Defendants' Motion for Summary Judgment.

As I indicated in writing on July 29, 2005, Defendants' provided the Court with an additional copy of their Motion for Summary Judgment and supporting papers so that the Court might file those documents under seal. After receipt of the Court's ruling regarding filing of Defendants' Motion under seal, I telephoned Clerk Holahan to inquire about the procedure for re-filing of the motion. Clerk Holahan requested that I provide her with an exact copy of the documents previously filed and served upon the Court, but mark them "SEAL" as opposed to "COURTESY COPY." The documents served by hand upon the Court on July 29, 2005 were an exact copy of those previously served, the only exception being that the word "SEAL" was printed atop the first page of each document. Please let me know if you require an additional copy of these documents.

It is my understanding that the Court simply allowed Plaintiff's request that Defendants' Motion for Summary Judgment be filed under seal. As I explained both in writing to you and in Defendants' Response to Plaintiff's Motion to Seal, Defendants are willing to assent to an extension of August 12, 2005 for the filing of Plaintiff's Opposition. Should you wish to file a motion seeking the additional time, please fax a copy of your motion to me before filing with the Court so that I may formally assent upon review of the included language.

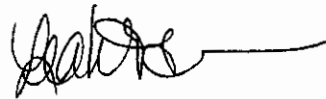
MORGAN, BROWN & JOY LLP

Kathleen J. Hill
August 3, 2005
Page 2

To the extent you believe that Defendants' Motion for Summary Judgment is beyond the page limit set by the Court upon Defendants' Motion to Enlarge Page Limit, I encourage you to review Defendants' Motion to Enlarge Page Limit, the Court's Order allowing Defendants' Motion to Enlarge Page Limit, and the Local Rules of Civil Procedure as each clearly discuss page limits to the memorandum of law, not supporting documents.

Should you have any further questions or concerns, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'Leah M. Moore', with a long horizontal flourish extending to the right.

Leah M. Moore

cc: Joan K. Geddes, Esq. (via first class mail)
Keith B. Muntyan, Esq.